

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/491

<u>Applicant</u>	: Master Green Limited represented by KTA Planning Limited
<u>Site</u>	: 13-17 Wah Sing Street, Kwai Chung
<u>Site Area</u>	: About 1,778m ²
<u>Lease</u>	: Section A of Kwai Chung Town Lot No. 111 (a) held under New Grant No. 4668 dated 14.8.1969 (b) to be expired on 30.6.2047 (c) for general industrial and/or godown purposes excluding offensive trades
<u>Plan</u>	: Approved Kwai Chung Outline Zoning Plan (OZP) No. S/KC/30 <i>[currently in force]</i> Draft Kwai Chung OZP No. S/KC/29 <i>[at the time of application]</i>
<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) <i>[No change in zoning and development restrictions for the Site under the two aforesaid OZPs]</i>
<u>Application</u>	: 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 13-17 Wah Sing Street (the Site), which falls within an area zoned “I” on the approved Kwai Chung OZP No. S/KC/30 (**Plan A-1**). The Site is currently occupied by an existing 6-storey industrial building (IB) constructed before 1987 (pre-1987 IB)¹. The proposal is

¹ The Occupation Permit (OP) for the subject IB was issued on 21.11.1969.

to redevelop the existing IB for data centre². According to the Notes for “I” 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 a previous planning application No. A/KC/485 submitted by the same applicant for proposed minor relaxation of PR restriction from 9.5 to 11.4 (+20%) for permitted industrial use under the 2018 Policy Initiatives of Revitalisation of IBs (the Policy), which was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 4.3.2022 (paragraph 5 refers).
- 1.3 The proposed data centre has a total of 20 storeys including one basement level with BH of not more than 120mPD. The pedestrian entrance and vehicular access are proposed at Wah Sing Street (**Drawing A-2**). Carparking and loading/unloading (L/UL) facilities are located at G/F and basement level served by car lifts (**Drawings A-1 and A-2**).
- 1.4 To realise the planned setbacks set out under the Kwai Chung Outline Development Plan (ODP) No. D/KC/D, the proposed development has incorporated a full-height setback of about 1.6m to 3.6m along Wah Sing Street in crescent shape³ to facilitate the future road widening proposal (**Plan A-2 and Drawing A-15**). In addition, a voluntary full-height setback of about 5.1m with tree planting/greenery adjoining the setback on ODP is proposed near the pedestrian entrance/vehicular access (**Drawing A-15**). Traffic measures, including installation of bollards along the frontage at Wah Sing Street and junction improvement works, are proposed (**Drawings A-16 to A-17**).
- 1.5 Landscape proposals, including vertical greenery on building façade of G/F to 1/F facing Wah Sing Street, tree planting with shrubs at G/F, edge planters at 1/F, 7/F and 18/F as well as roof greenery, are proposed (**Drawings A-18 to A-20**). A canopy of 1.2m-wide above the pedestrian entrance and a canopy of 0.9m to 1.3m-wide⁴ at the eastern building edge along Wah Sing Street are proposed for weather protection (**Drawings A-2 to A-4**). A total greenery of about 21.77% (about 387m²) is proposed for the development (**Drawing A-21**). Recycling water system for irrigation of the vertical greening will be explored at detailed design stage.
- 1.6 Floor plans, schematic plan, landscape plans and photomontages submitted by the applicant are shown at **Drawings A-1 to A-22**.

² The redevelopment is intended for Tier III or above data centre. 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.

³ The planned setback set out under the Kwai Chung ODP (coloured blue on **Plan A-2**) has been refined upon consultation with relevant government departments. The latest setback proposal under the application is indicated as hatched and hatched blue on **Plan A-2**.

⁴ The applicant also agrees to further extend the canopy at the eastern building edge by 0.5m outside the Site boundary (i.e. a total of 1.4m to 1.8m-wide), subject to approval of the Building Authority at building plan submission stage.

Major Development Parameters	Proposed Scheme
Proposed Use	Data Centre
Site Area ^[1]	1,777.608m ²
PR ^[2]	Not more than 11.4
Gross floor area (GFA) ^[1] (Non-domestic only)	20,264.7m ²
Site Coverage (SC)	
• G/F to 7/F	Not more than 77%
• 8/F and above	Not more than 65%
No. of Storeys	20 (including one basement level)
BH (at main roof level)	Not more than 120mPD
Typical Floor Height	5.625m
Building Setbacks	
• Full-height setback as per ODP requirement along Wah Sing Street	About 1.6m to 3.6m
• Voluntary full-height setback adjoining the setback on ODP	About 5.1m
Parking Spaces & L/UL Spaces	
• Private Car	21 (including one accessible parking space)
• Motorcycle	3
• Light Goods Vehicle	4 (1 for parking & 3 for L/UL)
• Heavy Goods Vehicle	2 (1 for parking & 1 for L/UL)
Greenery Provision	21.77% (about 387m ²)
Anticipated Year of Completion	2025

Note :

- [1] The site area includes the area dedicated for the building setbacks and subject to the setting out of site boundary.
- [2] On top of the PR and GFA set out as above, the applicant intends to claim a bonus PR of 0.18 (i.e. GFA of about 320m²) under the Building (Planning) Regulations (B(P)R) 22(2) for dedication of land/area for the purpose of building setbacks. According to applicant, the proposed BH and layout of the proposed development will be able to accommodate the bonus PR.

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

- (a) Application form received on 10.5.2022 **(Appendix I)**
- (b) Supporting Planning Statement (SPS) with Traffic Impact Assessment (TIA), Environmental Assessment (EA), Sewerage Impact Assessment (SIA) and architectural layout received on 10.5.2022 **(Appendix Ia)**
- (c) Further Information (FI) received on 7.7.2022 providing response to departmental comments, revised architectural drawings and technical clarifications[#] **(Appendix Ib)**
- (d) FI received on 10.8.2022 providing response to departmental comments, revised architectural drawings and technical clarifications[#] **(Appendix Ic)**

Remarks:

* accepted but not exempted from publication and recounting requirement

[#] accepted and exempted from publication and recounting requirement

- 1.8 On 24.6.2022, the Committee agreed to defer making a decision as requested by the applicant. Upon receipt of FI on 7.7.2022, 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 the SPS and FIs at **Appendices Ia to Ic** which are summarised as follows:

- (a) The proposed development is in line with the intention of the 2018 Policy Address to redevelop pre-1987 IBs and complies with all eligible criteria for the relaxation of maximum PR by 20%, which can provide more floor areas to make better use of land resource.
- (b) Regarding the submission of multiple planning applications at the Site, the applicant explained that detailed economic and financial analysis of market condition could only take place after obtaining planning approval for both permitted industrial use (i.e. Application No. A/KC/485) and permitted data centre development. It was premature to make a prudent commercial decision and subsequent detailed economic/financial analysis is required prior to taking forward any early implementation plan.
- (c) The proposed data centre is in line with Government policy for promoting innovation and technology development.
- (d) The proposed development echoes the projection in the Hong Kong 2030+ Study by providing additional industrial floor space to cater the demand, ensures an adequate supply of industrial floor space in the area and provides employment for the labour force.
- (e) The proposed information technology and telecommunications industries use is a Column 1 use within the “I” zone and is generally in line with the planning intention of the “I” zone primarily for general industrial uses.
- (f) The proposed development is considered compatible with the visual context of the area, which is characterised by medium to high rise IBs. While the BH of the development is within 120mPD as stipulated in the OZP, the relaxation of PR restriction of 20% is considered minor in nature and acceptable.
- (g) The following planning and design merits are proposed:
 - (i) a full-height setback of about 1.6m to 3.6m along Wah Sing Street in crescent shape as set out under the ODP to facilitate the future road widening along Wah Sing Street;
 - (ii) a voluntary full-height setback of about 5.1m with greenery adjoining the setback on ODP for enhancing visual and air permeability, and improving pedestrian comfort;

- (iii) a canopy of 1.2m-wide above the pedestrian entrance and a canopy of 0.9m to 1.3m-wide at the eastern building edge along Wah Sing Street for weather protection, after taking into consideration the technical feasibility, including the permitted projection of canopy under Building (Planning) Regulation (B(P)R) 10(4), fire safety concerns relating to the fuel tanks, and maintenance requirements for the proposed CLP transformer bays, as well as the need to provide greenery at the proposed setback. Yet, the applicant agrees to further extend the canopy at the eastern building edge by 0.5m outside the Site boundary (i.e. a total of 1.4m to 1.8m-wide) subject to approval of the Building Authority at building plan submission stage;
 - (iv) landscape treatments in the form of tree planting with shrubs at G/F, vertical greening at building façade, edge planters at various floors and roof greenery for enhancing the visual quality of street level environment; and
 - (v) green building design elements and compliance with Sustainable Building Design Guidelines (SBDG) requirements. The applicant will consider to apply for the Building Environmental Assessment Method Plus (BEAM Plus) and Leadership in Energy and Environmental Design (LEED) at the detailed design stage.
- (h) The submitted TIA, SIA and EA demonstrate that the proposed development would generate no adverse impacts from traffic, sewerage and environmental aspects. Regarding the proposed fuel tanks, the provision would comply with the relevant ordinances and to the satisfaction of concerned departments.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

Policy Initiatives of Revitalisation of IBs

- 4.1 As set out in the 2018 Policy Address, 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 IBs⁵, 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” zones in the 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

⁵ 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 for approval on or before the same date.

and the maximum non-domestic PR permissible under the B(P)R⁶. 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 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

A previous application for minor relaxation of PR from 9.5 to 11.4 (i.e. +20%) for permitted industrial use (Application No. A/KC/485) under the Policy was submitted by the same applicant and approved with conditions by the Committee on 4.3.2022⁷. The approved application is for the same relaxed PR of 20% to 11.4, BH of not more than 120mPD complying with the OZP restriction, with similar planning/design merits. It was approved mainly on the consideration 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 planning and design merits regarding the building setback, canopy and landscaping/greening proposals; and there was no adverse comment from relevant government departments.

6. Similar Applications

- 6.1 Since March 2019, the Committee has considered a total of 17 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 applications; planning and design merits were proposed; and that there was no adverse comment from relevant government departments.
- 6.2 Among the 17 applications in Kwai Chung, four applications (i.e. Applications No. A/KC/466, A/KC/473, A/KC/480 and A/KC/484) are for minor relaxation of PR and/or BH restriction for permitted data centre development relating to the Policy,

⁶ 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.

⁷ The Site was also the subject of a planning application (i.e. No. A/KC/481) which was withdrawn on 4.1.2022. The application is for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. +20%) for permitted data centre use submitted by the same applicant under the Policy in September 2021. The subject application is largely identical in terms of use and development parameters to the withdrawn application No. A/KC/481.

which were approved by the Committee with conditions on 29.5.2020, 11.6.2021, 24.12.2021 and 24.6.2022 respectively.

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 6-storey IB, namely South China Cold Storage Industrial Building;
- (b) is surrounded by IBs to the north, south and west;
- (c) abuts Wah Sing Street to the southeast where pedestrian entrance and vehicular access are located (**Plan A-2**); and
- (d) is served by various modes of public transport including bus and public light bus mainly on Castle Peak Road - Kwai Chung and Kwai Chung Road. MTR Kwai Hing Station is at about 300m to the southwest (**Plan A-5**).

7.2 The surrounding areas have the following characteristics:

- (a) located in the midst of 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 (**Plan A-2**);
- (b) to the immediate north and west across Tai Lin Pai Road are the “Other Specified Uses” annotated “Business” zones mainly occupied by IBs and individual redeveloped office buildings (**Plan A-1**);
- (c) to the further east and northeast across Castle Peak Road - Kwai Chung is a residential cluster, and the Wo Yip Hop Road industrial/business area respectively (**Plan A-1**);
- (d) to the north-east outside the Site is a pedestrian access connecting to Castle Peak Road with hillside escalator⁸ on the northern section as proposed by the Highways Department (HyD) (**Plan A-5**); and
- (e) to the further south is the Tai Lin Pai Road Playground and Tai Lin Pai Road Electricity Substation.

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

⁸ It is subject to feasibility study on “Hillside Escalator Links and Elevator Systems (HEL)” by HyD.

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 ES of the ODP, road widening proposals to alleviate traffic problems have been proposed along major roads in this part of CKCIA. Efforts would be made to negotiate with developers to surrender area proposed for road widening upon redevelopment (**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. Development Bureau (DEVB) welcomes applications with a genuine intention to implement the proposed new developments, and stand ready to provide support for such applications, subject to their fulfilment of all relevant technical requirements, for the consideration of the Board;
- (b) DEVB was concerned by the frequently-changing development intention in respect of the Site, as the subject application, which was largely identical in terms of use (viz. data centre development) and development parameters to Application No. A/KC/481 withdrawn on 4.1.2022, was submitted just a month after the Board's approval of Application No. A/KC/485 for different use (viz. permitted industrial use) for the same site on 4.3.2022. To ensure that the policy objective of expediting implementation of development plans would not be undermined by any repetitive or speculative applications with unclear development intentions, the applicant was then invited to clarify the reasons for the turnaround, whether the data centre development represented its latest and actual development intention for the Site, and whether and how the data centre development would be completed, if approved, by December 2025 as indicated in the application form with the provision of a detailed action plan;
- (c) the applicant's response suggested that detailed economic and financial analysis of the market condition could only take place after obtaining planning approval for both permitted industrial use and permitted data centre development. The applicant also stated that it

was premature to make a prudent commercial decision, and considered DEVB's policy support necessary to facilitate its detailed economic and financial analysis prior to taking forward any early implementation plan;

- (d) DEVB fully acknowledges that lot owners may change their plans from time to time to fit in their own agendas and is fully entitled to do so. However, DEVB is concerned that any premature applications with indecisive attitude in implementation or multiple applications for same sites aiming at securing planning approval for all possible development options to facilitate lot owners' consideration of their best way forward is counter-intuitive to the objective of expediting implementation of development plans under the current revitalisation scheme. Caution should be exercised in approving such types of applications, so as to avoid sending wrong signals to the market that DEVB encourages premature or speculative applications with uncertain or no implementation programme; and
- (e) notwithstanding the above, DEVB would not object to the Board in approving the application, if the Board, after weighing considerations of all relevant materials, including the implementation prospect as set out above, is satisfied that the purported planning merits are significant enough to justify an approved relaxation of the PR restriction as stated in the relevant OZP.

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 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 20-storey data centre, if materialised, would contribute to addressing the growing demand for data centres in Hong Kong and benefit the innovation and technology sector development at large.

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 Section A of Kwai Chung Town Lot No. 111, which is held under New Grant No. 4668 dated 14.8.1969. In accordance with the Lease, the Lot shall be used for general industrial and/or godown purposes excluding offensive trades. There is no restriction on GFA, SC or BH or building setback requirement under the Lease;
- (b) the proposed development is a data centre which contravenes the user restriction under the Lease, if planning approval is given, the lot owner should 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;
- (c) LandsD reserves comment on the proposed schematic design including the site area which would only be examined in detail during the building plan submission stage upon completion of lease modification. There is no guarantee that the schematic design presented in the subject planning application will be acceptable under the Lease if it is so reflected in future building plan submission(s); and
- (d) other detailed comments are at **Appendix III**.

Building Matters

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

- (a) detailed comments under the Buildings Ordinance 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 development;
 - (b) the traffic measures as proposed by the applicant (**Drawings A-16 and A-17**) should be at the applicant's own cost and to the satisfaction of C for T or of the Board;
 - (c) should the application be approved, the following approval condition is suggested:
 - (i) the design and provision of parking facilities, L/UL spaces and vehicular access for the proposed development to the satisfaction of C for T or of the 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 C for T or of the Board.
- 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) C for T has no comment from traffic engineering perspective on the TIA report;
- (b) the proposed junction improvement works along Tai Lin Pai Road and Kwai On Road as identified in the TIA shall be designed and constructed as part of the project by the applicant;
- (c) the applicant should be responsible for management and maintenance of the concerned setback along Wah Sing 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; and
- (d) the applicant should be responsible for management and maintenance of the proposed canopy and the potential extension at the eastern building edge.

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 Aspects

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

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

Fire Safety Aspect

9.1.9 Comments of the Director of Fire Services (D of FS):

- (a) no specific comment on the application;
- (b) other detailed comments are at **Appendix III**.

Urban Design, Visual and Landscape

9.1.10 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 that 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 a full-height setback as per ODP requirement and a voluntary full-height setback as stated in paragraph 1.4. Landscape treatments, including tree planting, edge planters, vertical greenery and roof greenery, and canopies are provided. 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 and residential buildings. The Site is currently occupied by an existing IB without any landscape. The proposed development is considered not incompatible with the landscape setting in proximity;
- (d) landscape features 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 the Section 16 application under the Ordinance does not imply approval of the site coverage of greenery requirements under the Practice Notes for Authorised Persons (PNAP) APP-152 and/or under the lease. The site coverage of greenery calculation should be submitted separately to BD for approval.

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

since the “I” zone subject to a BH restriction of 120mPD, 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-General of Trade and Industry (DG of TI);
- (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 period, a total of 5 public comments, including one from the Incorporated Owners (IO) of the adjacent industrial building, i.e. Gold King Industrial Building (GKIB), two current occupiers of GKIB and two other individuals, were received (**Appendix IV**). The IO expressed that the proposed development should not create adverse impacts to the existing vehicular access and carparking activities in the area. The two occupiers of GKIB objected to/expressed concerns on the application mainly due to the fire safety concerns on the proposed fuel tanks; excessive electricity demand for data centre operation; proliferation of data centres within Kwai Chung area; and the adverse traffic/environmental impacts during the construction stage. While the remaining two individual also object to the application with similar grounds as mentioned above, they further suggested that due considerations should be given to greenery provision and the potential interface issue between the development and the proposed hillside escalator links/elevator systems at Wah Sing Street (**Plan A-5**).

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 “I”. The proposed development is generally in line with the planning intention of the “I” zone, which is primarily for general industrial uses. The proposed BH of not more than 120mPD complies with the BH restriction of the OZP.

Policy Aspect

11.2 The existing IB with an OP issued on 21.11.1969 can be regarded as an eligible pre-1987 IB under the Government’s new policy on revitalising IBs. DEVB does not object to the Board in approving the application based on the individual merits of the redevelopment proposal, despite their concerns on the applicant’s indecisive attitude in implementation and the multiple applications for same sites which could be counter-intuitive to the objective of expediting implementation of development plans. While the Site is the subject of a previous application which is approved by the Committee with conditions, each application should be assessed based on

its individual merits and approval of the previous application (No. A/KC/485) for the permitted industrial use should not pre-empt the Board's consideration of the current application (paragraph 5 refers).

- 11.3 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. DG of TI also has no adverse comment on the current application.

Technical Aspects

- 11.4 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, SIA and EA, to demonstrate that the proposed development would not cause adverse traffic, sewerage and environmental 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) to (e) below. Other relevant Government departments, including FSD, EMSD and WSD, have no objection to/adverse comments on the application.

Planning and Design Merits

- 11.5 The proposed development has incorporated a full-height setback along Wah Sing Street under the ODP and an additional voluntary full-height setback with greenery near the pedestrian entrance (**Plan A-2** and **Drawing A-15**). Canopies are proposed at the eastern building edge as well as above the pedestrian entrance for weather protection (**Drawings A-2** to **A-4**). The applicant agrees to further extend the canopy at the eastern building edge by 0.5m outside the Site boundary subject to approval of the Building Authority at building plan submission stage. Landscape proposals, including tree planting, edge planters, vertical greenery, roof greenery are proposed, resulting in a total of greenery of about 21.77% (about 387m²) (**Drawings A-18** to **A-21**). CTP/UD&L, PlanD considers that the proposed development would unlikely induce any significant adverse effects on the visual character of the surrounding townscape and the proposed design measures may promote visual interest and pedestrian comfort.
- 11.6 On the sustainability building design aspect, the applicant has indicated that the proposed development has taken into account the relevant requirements. Besides, the applicant has demonstrated effort in building design improvement by introducing greenery provisions as mentioned in paragraph 11.4 above

Public Comments

11.7 Regarding the public comments received, the above planning assessments and departmental comments in paragraph 9 are relevant. For the comments on traffic and environmental concerns, suitable approval conditions have been suggested as set out in paragraph 12.2 below. Regarding the fire safety concerns on the proposed fuel tanks, the applicant indicated that the provision would comply with the relevant ordinances and to satisfaction of concerned departments. Besides, the proposed hillside escalator links/elevator systems at Wah Sing Street will not be affected by the development and HyD has no comment on this aspect.

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 26.8.2026, 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 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 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 10.5.2022
Appendix Ia	Supporting Planning Statement received on 10.5.2022
Appendix Ib	FI received on 7.7.2022
Appendix Ic	FI received on 10.8.2022
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	Schematic Section
Drawing A-14	Section of Typical Non-raised Floor Data Hall
Drawing A-15	Proposed Setbacks
Drawings A-16 to A-17	Proposed Traffic Measures
Drawing A-18	Illustrative Diagrams of Planning and Design Merits
Drawings A-19 to A-20	Artist's Impressions on the Proposed Development
Drawing A-21	Site Coverage of Greenery
Drawing A-22	Vertical Greening 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
AUGUST 2022**