

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/505

- Applicant** : Master Green Limited represented by KTA Planning Limited
- Site** : 13-17 Wah Sing Street, Kwai Chung
- Site Area** : About 1,778m²
- Lease** : Section A of Kwai Chung Town Lot No. 111
(a) held under New Grant No. 4668 dated 14.8.1969
(b) expires on 30.6.2047
(c) for general industrial and/or godown purposes excluding offensive trades
- Plan** : Approved Kwai Chung Outline Zoning Plan (OZP) No. S/KC/32
[currently in force]

Draft Kwai Chung OZP No. S/KC/31
[at the time of application]
- Zoning** : “Industrial” (“I”)
(a) maximum plot ratio (PR) of 9.5
(b) maximum building height (BH) of 120 metres above Principal Datum (mPD)
[No change in zoning and development restrictions for the Site under the two aforesaid OZPs]
- Application** : Proposed Minor Relaxation of PR Restriction for Permitted Warehouse Use (excluding Dangerous Goods Godown)

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/32 (**Plan A-1**). The Site is currently occupied by an existing vacant 6-storey industrial building (IB), namely South China Cold Storage Building, constructed before 1987 (pre-1987 IB)¹. The proposal is to redevelop the existing vacant cold storage building into a modern warehouse designed for mainly cold storage purpose. According to the Notes for “I” zone of the OZP, ‘Warehouse

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

(excluding Dangerous Goods Godown)' is a Column 1 use, which is always permitted. Minor relaxation of the PR restriction may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance (the Ordinance).

- 1.2 The Site is located in the midst of the Central Kwai Chung Industrial Area (CKCIA) and bounded by three existing IBs to the north, south and west (**Plans A-2**). It also abuts a cul-de-sac at Wah Sing Street to the southeast (**Plans A-3 and A-4**), leading to a major pathway connecting CKCIA to other parts of Kwai Chung to the further north via an existing footbridge across Castle Peak Road - Kwai Chung (**Plan A-5**).
- 1.3 The Site is the subject of two previous planning applications No. A/KC/485 and A/KC/491, both submitted by the same applicant for proposed minor relaxation of PR restriction from 9.5 to 11.4 (+20%) for the respective permitted industrial use and information technology and telecommunications industries (IT&TI) (data centre) use under the 2018 Policy Initiatives of Revitalisation of IBs (the Policy). The applications were approved with conditions by the Metro Planning Committee (the Committee) of the Board on 4.3.2022 and 26.8.2022 respectively (details provided in paragraph 5 below).
- 1.4 The currently proposed development has a total of 21 storeys including two basement levels with BH of not more than 120mPD (**Drawings A-1 to A-8**). The pedestrian entrance and vehicular access are proposed at Wah Sing Street (**Drawing A-3**). Car parking and loading/unloading (L/UL) facilities are located at G/F and basement levels (**Drawings A-1 to A-3**).
- 1.5 To realise the planned setback specified on the Kwai Chung Outline Development Plan (ODP) No. D/KC/D for future road widening, the proposed development has incorporated a full-height setback with an area of about 64m², ranging from about 1.5m to 4.2m in width along Wah Sing Street in crescent shape² (**Plan A-2 and Drawing A-9**). Further voluntary full-height setback area from G/F of about 12m-wide with an area of about 414m² is also proposed to extend the aforesaid setback on ODP (**Plan A-2 and Drawings A-9 and A-12**). Traffic management and improvement measures, including rearrangement of bollards along the frontage at Wah Sing Street and junction improvement works at Tai Lin Pai Road and Kwai On Road, are proposed to be implemented by the applicant (**Drawings A-10 and A-11**).
- 1.6 Landscape proposals, including vertical greenery on building façade at 1/F facing Wah Sing Street, a sitting area directly accessible from the non-building area (NBA) as specified on the Kwai Chung OZP³ to the east of the Site with planters and bench at the northern edge of 1/F, edge planters at 1/F, 7/F and 13/F, as well as roof

² As agreed by relevant Government departments, including Lands Department, Transport Department and Highways Department, the latest setback proposal under the application is indicated as hatched blue and hatched dot blue on **Plan A-2**, which has been refined as compared with the planned setback as required under the Kwai Chung ODP (coloured blue on **Plan A-2**).

³ The NBA is proposed under Kwai Chung OZP for maintaining the flow of northeasterlies along the existing air path from Wo Yi Hop Road to Wah Sing Street.

greenery, are proposed (**Drawings A-12 and A-13**). A glass canopy of 1.5m-wide⁴ is proposed at 1/F of the eastern building edge along Wah Sing Street for weather protection (**Drawings A-3 and A-4**). A total greenery of about 24% (about 427m²) is proposed for the development (**Drawing A-13**).

- 1.7 Floor plans, schematic plan, landscape plans and photomontages submitted by the applicant are shown on **Drawings A-1 to A-13**. Major development parameters of the proposal are summarised below:

| Major Development Parameters | Proposed Development |
|--|---|
| Proposed Use | Warehouse (excluding Dangerous Goods Godown) |
| Site Area ^[1] | about 1,777.608m ² |
| PR | not more than 11.4 |
| Gross floor area (GFA) ^[1] (Non-domestic only) | 20,264.7m ² |
| Site Coverage | |
| • G/F to 2/F | not more than 70% |
| • 3/F and above | not more than 65% |
| No. of Storeys | not more than 21 (including two basement levels) |
| BH (at main roof level) | not more than 120mPD |
| Typical Floor Height | 5.5m |
| Floor Uses | |
| • B2/F to G/F | Driveway, Parking and L/UL Spaces |
| • 1/F to 18/F | Cold Storage and Sort & Pick Area |
| • Roof | Lift Machine Room |
| Building Setbacks | |
| • Planned setback ^[2] as set out under the Kwai Chung ODP in the east | about 1.5m to 4.2m-wide (about 64m ² in area) |
| • Voluntary setback area adjoining the planned ODP setback in the east | about 12m-wide (about 414m ² in area) |
| • Voluntary setbacks surrounding the proposed development in the north, west and south | about 0.5m to 4m-wide |
| Parking Spaces & L/UL Spaces | |
| • Private Car | 21 (including 1 accessible parking space) |
| • Motorcycle | 3 |
| • Light Goods Vehicle | 18 (9 for parking & 9 for L/UL) |
| • Heavy Goods Vehicle | 10 (5 for parking & 5 for L/UL) |
| Greenery Provision | 24% (about 427m ²) |
| Anticipated Year of Completion ^[3] | 2026 |

Note :

- [1] The site area includes the area dedicated for the building setbacks and subject to the setting out of site boundary, and the GFA may be adjusted accordingly based on the approved maximum PR.

⁴ The proposed glass canopy will protrude outside the Site boundary, which would be subject to approval of the Building Authority and compliance with the requirements of all relevant Government departments at the building plan submission stage.

[2] See Footnote 2 in page 2.

[3] Regarding the implementation timeframe, the applicant targets to obtain s.16 approval, general building plans approval and kick-start the lease modification within 2024; demolition of the existing building will also take place in parallel. Construction works would commence by the end of 2024 and the target completion date of the proposed development is end of 2026.

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

- (a) Application Form received on 12.10.2023 (Appendix I)
- (b) Supporting Planning Statement (SPS) received on 12.10.2023 (Appendix Ia)
- (c) Clarification Letters received on 12.10.2023 and 18.10.2023 (Appendix Ib)
- (d) Further Information (FI) received on 13.12.2023 and 19.12.2023[#] (1st FI) (Appendix Ic)
- (e) FI received on 7.2.2024[#] (2nd FI) (Appendix Id)
- (f) FI received on 5.4.2024[#] (3rd FI) (Appendix Ie)
- (g) FI received on 10.5.2024^{*} (4th FI) (Appendix If)
- (h) FI received on 16.5.2024^{*} (5th FI) (Appendix Ig)

[#] not exempted from publication and recounting requirement

^{*} exempted from publication and recounting requirement

1.9 On 8.12.2023 and 5.4.2024, the Committee agreed to defer making a decision on the application for two months each at the request of the applicant.

2. **Justifications from the Applicant**

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

- (a) The proposed development is in line with the intention of the 2018 Policy Address to redevelop pre-1987 IBs. It complies with all eligible criteria for the relaxation of maximum PR restriction by 20%, which can provide more floor areas to make better use of land resource. The proposed development also echoes the projection in the Hong Kong 2030+ Study by providing additional industrial floor space to cater for the demand and ensures an adequate supply of industrial floor space in CKCIA.
- (b) The applicant has obtained a general building plan approval from the Building Authority on 10.10.2023 for the proposed data centre development under previous application No. A/KC/491. Having reviewed the market demand and the business decision of the prospective tenant, the applicant submits the current application to redevelop the existing dilapidated warehouse building previously used for cold storage into a modern and purposely-designed cold storage building with higher floor-to-floor height in order to offer a better food handling environment from food safety point of view.

- (c) Research by leading real estate firms⁵ demonstrate a rising demand for cold storage due to changing consumer behaviour and increased consumption of perishable and higher-quality foods. The proposed warehouse (cold storage) would be beneficial to society, considering the changing consumption preferences and Hong Kong's role as an international logistics hub.
- (d) The proposed development is a Column 1 use within the "I" zone and is in line with the planning intention of the "I" zone primarily for general industrial uses.
- (e) The proposed development is considered compatible with the visual context of the area, which is characterised by medium to high-rise IBs. The BH of the development is within 120mPD as stipulated on the OZP.
- (f) The following planning and design merits are proposed:
 - (i) a full-height setback with an area of about 64m² along Wah Sing Street in crescent shape as required under the ODP to facilitate the future road widening along Wah Sing Street;
 - (ii) a full-height building setback from G/F and above with an area of about 414m² from Wah Sing Street for enhancing visual and air permeability;
 - (iii) a glass canopy of 1.5m-wide along part of Wah Sing Street for weather protection and enhancement of existing pedestrian pathway to other parts of Kwai Chung to the north;
 - (iv) landscape treatments in the form of sitting area which is directly accessible from the NBA to the east of the Site with planters and bench at 1/F, vertical greening at building façade at 1/F, edge planters at various floors and roof greenery for enhancing the visual quality of street level environment; and
 - (v) the proposed development has taken into account the Sustainable Building Design Guidelines (SBDG) requirements. Besides, the applicant may consider applying the Building Environmental Assessment Method Plus and Leadership in Energy and Environmental Design at the detailed design stage.
- (g) The submitted Traffic Impact Assessment (TIA) and Fixed Noise Impact Assessment (NIA) demonstrate that the proposed development would generate no adverse impacts from traffic and noise aspects.

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.

⁵ The research on 'Asia Pacific Cold Storage' and 'Cold chain, unlocked: The cold storage opportunity in Asia Pacific' published by Savills (June 2023) and Jones Lang LaSalle (November 2023) respectively were cited in **Appendix Id.**

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 IBs⁶, 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 and the maximum non-domestic PR permissible under the B(P)R⁷. 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 As announced in the 2021 Policy Address, the implementation period of the current revitalisation 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 Applications**

Two previous applications⁸ for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. +20%) for permitted industrial use (Application No. A/KC/485) and permitted IT&TI (data centre) use (Application No. A/KC/491) under the Policy were submitted by the same applicant and approved with conditions by the Committee on 4.3.2022 and 26.8.2022 respectively. The approved applications are for the same relaxed PR restriction of 20% to 11.4 and BH of not more than 120mPD complying with the OZP restriction, based on similar planning/design merits. They were approved mainly on considerations that the applications are 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 proposals have incorporated planning and design merits regarding the building setback, canopy and landscaping/greening proposals; and there was no in-principle objection from relevant Government bureaux/departments (B/Ds).

⁶ 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.

⁷ 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.

⁸ The Site was also the subject of 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.

6. Similar Applications

Since March 2019, the Committee has considered a total of 23 applications for minor relaxation of PR and/or BH in Kwai Chung area, and all of which were approved with conditions (**Plan A-1** and **Appendix II**). Among the applications, 9 and 14 of them fall within “I” and “Other Specified Uses” annotated “Business” (“OU(B)”) zones respectively. In relation to the Policy, approval of these applications are mainly on considerations that policy support to relax the PR up to 20% was given; planning and design merits were proposed; and there was no in-principle objection from relevant B/Ds.

7. The Site and Its Surrounding Areas (Plans A-1 to A-5)

7.1 The location and current conditions of the Site are detailed in paragraph 1.2 above.

7.2 The surrounding areas have the following characteristics:

- (a) located in the midst of CKCIA bounded by Tai Lin Pai Road and Castle Peak Road - Kwai Chung, which is characterised by a mix of industrial, industrial-office and commercial developments;
- (b) to the immediate north and west across Tai Lin Pai Road are the “OU(B)” zones mainly occupied by IBs and individual redeveloped office buildings;
- (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;
- (d) to the immediate northeast of the Site is a pedestrian access connecting to Castle Peak Road - Kwai Chung. A hillside escalator on the northern section of the pedestrian access along the NBA is currently under construction by the Highways Department; and
- (e) served by various modes of public transport including bus and public light bus mainly on Kwai Chung Road, Castle Peak Road - Kwai Chung and Wo Yi Hop Road, as well as MTR Kwai Hing Station at about 350m to the west of the Site.

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. IT&TI, 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 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 Bureaux/Departments

- 9.1 The following B/Ds 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 our valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. To this end, relaxation of the maximum permissible non-domestic PR by up to 20% may be permitted under the current revitalisation scheme for redevelopment of pre-1987 IBs located outside "Residential" zones in Main Urban Areas and New Towns, subject to the maximum non-domestic PR allowed under the B(P)R and the Board's consideration of each application;
- (b) in the light of the above, the Development Bureau (DEVB) would consider giving policy support to applications for minor relaxation of PR restriction under the current revitalisation scheme, provided that these applications could demonstrate to DEVB's satisfaction that they got a clear redevelopment intention and implementation timetable to put the existing IB stock into optimal use in a timely manner;
- (c) DEVB note that the applicant obtained planning approval for permitted industrial use (Application No. A/KC/485) in March 2022, and then permitted IT&TI (data centre development) (Application No. A/KC/491) five months later in August 2022. In seeking approval for Application No. A/KC/491, the applicant stated that prior to taking forward any early implementation plan, detailed economic and financial analysis of the market condition had to be made, but this could only take place after obtaining planning approval for both industrial use and data centre development. Thirteen months have lapsed since approval for Application No. A/KC/491 granted by the Board; there is no sign of implementation of either approved development scheme to provide additional industrial floor space to

cater for the demand in the short term as claimed. The same applicant now makes another application for minor relaxation of PR restriction for other use, i.e. permitted warehouse use (excluding dangerous goods godown) under the current revitalisation scheme again, and reiterates in both the original submission and the FI that this proposed development scheme would address the demand for industrial floor space, and the limited supply of purposely designed cold storage facilities in Kwai Chung in particular;

- (d) DEVB do understand that an applicant is not debarred from making multiple applications or holding multiple permissions in respect of the same site. However, as long as an application seeking a minor relaxation of PR restriction for IB redevelopment is riding on DEVB revitalisation policy, the implementation prospect should also be taken into account. While DEVB fully appreciate that minor relaxation of PR restriction will be considered by the Board based on the individual merits of a development or redevelopment proposal, and previous approvals should not pre-empt the Board's consideration of any new applications in respect of the same site, DEVB would like to remind the Board that repetitive applications unmistakably cast doubt on whether the applicants concerned have a genuine intention of translating any of the development schemes approved/to be approved into action to bring in the new development, as well as the planning and design merits, as claimed. From the policy angle, the applications involving the same site for different uses may suggest speculative activities and would give wrong signals to the market that the current revitalisation scheme is to facilitate lot owners to gather as many development options available as possible to maximise their financial gain during resale. Indecisive development intent and/or uncertain implementation programme, if approved, would compromise the policy objective to allow the relaxation of PR by up to 20% to incentivise redevelopment of IBs riding on the existing application mechanism for planning permission; and
- (e) notwithstanding paragraph (d) above, DEVB would not object to the Board's approval of this application if the Board is satisfied that the purported merits are exceptional enough from the technical and planning and design aspects to justify a minor relaxation of PR restriction as specified in the relevant OZP by 20%.

Land Administration

9.1.2 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 (the Lot), which is held under New Grant No. 4668 dated 14.8.1969 (the

Lease) for a term of 99 years from 1.7.1898 extended to 30.6.2047. In accordance with the Lease, the Lot shall be used for general industrial and/or godown purposes excluding offensive trades. Spaces shall be provided for parking, L/UL of motor vehicles at the rate of not less than one vehicle for each 10,000ft² or part thereof of GFA but in any event not less than one vehicle for each 5,000ft² or part thereof of the site area. There is no restriction on BH or GFA nor building setback requirement under the Lease;

- (b) 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. 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
- (c) other detailed comments are at **Appendix III**.

Traffic

9.1.3 Comments of the Commissioner for Transport (C for T):

- (a) the revised TIA illustrated that the traffic impact arising from the subject redevelopment to the adjacent road network within the area of influence would be acceptable;
- (b) the applicant demonstrated the best effort to accommodate the high-end provision of parking and L/UL spaces, yet subsequently with shortfall of one LGV bay from the Hong Kong Planning Standards and Guidelines (HKPSG) maximum recommendation due to the site constraints as well as the adoption of ramp and deep loading dock to suit the warehouse operation;
- (c) based on the above, there is no in-principle objection to the proposed minor relaxation of PR at the Site from traffic engineering perspective;
- (d) it is advised that the turntable should be well maintained in an operable condition;
- (e) the applicant is reminded to provide clear signage for pedestrian access to the building; and
- (f) should the application be approved, the following approval condition is suggested:

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

9.1.4 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) it is understood that the NBA should be free from any structures/objects in order to facilitate the subsequent road widening works upon the request;
- (b) the proposed modification of roadworks such as run-in/out and bollard due to the development should be approved by the Transport Department and subsequently carried out by the applicant to HyD's standard; and
- (c) the applicant is advised to verify the proposed run-in/out location against the approved access point in the relevant lands document.

Environment

9.1.5 Comments of the Director of Environment Protection (DEP):

- (a) no objection to the application;
- (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 a revised NIA and the implementation of the noise mitigation measures identified therein to the satisfaction of the DEP or of the Board;
 - (iii) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of DEP or of the Board; and
 - (iv) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the Board;
- (c) the proposed development shall comply with relevant environmental requirements set out in HKPSG. The applicant is advised to implement appropriate pollution control measures to minimise any construction/ demolition nuisance to nearby sensitive receivers (e.g. residential developments, hospitals, educational institutions, etc.); and
- (d) 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.

Building Matters

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

- (a) the OP No. N.T. 62/69 was issued on 21.11.1969;
- (b) the building plan submission for permitted industrial use and the building plan submission (major revision) for data centre development were approved on 10.1.2023 and 10.10.2023 respectively;
- (c) requirements for sustainable building design guidelines as stipulated in the Practice Notes for Authorized Persons (PNAP) APP-152 should be complied with in case the attribute of GFA concessions under the PNAP APP-151 is applied. The building plan submission approved on 10.1.2023 has complied with the requirements;
- (d) detailed comments under the Buildings Ordinance will be given during the building plan submission stage; and
- (e) other detailed comments are at **Appendix III**.

Fire Safety

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

- (a) no specific comment on the application; and
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

Urban Design, Visual and Landscape

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

Urban Design and Visual Impact

- (a) the Site forms part of a cluster of IBs/site zoned “I” with an intended BH of 120mPD. The proposed minor relaxation of PR does not involve additional BH beyond that is permitted in the OZP. Given the context, it is unlikely that the proposed development will induce

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

- (b) the design measures, including setbacks, landscape treatment and canopy, as stated in paragraphs 1.5 and 1.6 above may contribute to the improvement of streetscape by softening the building edges and promoting visual interest and pedestrian comfort;

Landscape

- (c) according to the aerial photos of 2022, the Site is situated in an area of industrial urban landscape character predominated by IBs and residential buildings. It 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) with reference to the SPS (**Appendix Ia**) and FI (**Appendix Ig**), landscape provisions as mentioned in paragraph 1.6 above are proposed to enhance the landscape quality of the development. Hence, there is no objection on the application from landscape planning perspective; and
- (e) the applicant is reminded that approval of this application under section 16 of the Ordinance does not imply approval of the site coverage of greenery requirements under the PNAP APP-152 and/or under the lease. The site coverage of greenery calculation should be submitted separately to BD for approval.

9.1.9 Comments of the Chief Architect/Advisory & Statutory Compliance Division, Architectural Services Department (CA/ASC, ArchSD):

- (a) generally have no comment on the application from visual impact point of view; and
- (b) the applicant may wish to review the treatment/articulation of the building elevations in the detailed design stage.

Food Safety

9.1.10 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) a cold store licence must be obtained from DFEH for the food business which involves the storage of articles of food under refrigeration in any warehouse in the territory before commencement of such business; and
- (b) other detailed comments are at **Appendix III**.

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

- (a) Chief Engineer/Mainland South, Drainage Services Department (CE/MS of DSD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C of WSD);
- (c) Commissioner of Police;
- (d) Director-General of Trade and Industry;
- (e) District Officer (Kwai Tsing), Home Affairs Department; and
- (f) Project Manager (West), Civil Engineering and Development Department.

10. Public Comment Received During Statutory Publication Period

10.1 On 20.10.2023, 22.12.2023, 16.2.2024 and 12.4.2024, the application and FI were published for public inspection. During the statutory public inspection period, a total of seven public comments were received (**Appendix IV**), including four objecting comments from the Incorporated Owners of the Gold King Industrial Building and three individuals (**Appendix IVa**), as well as three comments providing views (**Appendix IVb**), which are summarised below:

- (a) the proposed development would pose structural and fire safety concerns, generate adverse noise and air quality impacts, and affect the visual aesthetics, air ventilation, and access to sunlight of the Gold King Industrial Building and its occupants, as well as surrounding areas;
- (b) the local traffic would be affected during the construction stage. The vehicular and pedestrian accesses of the proposed development must solely face Wah Sing Street; and
- (c) the applicant should confirm whether the Site would be developed into a data centre or cold storage building.

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 21-storey modern warehouse (cold storage), at the Site zoned “I”. According to the Notes for “I” zone of the OZP, ‘Warehouse (excluding Dangerous Goods Godown)’ use is always permitted. 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.

11.2 The Committee previously approved two applications with conditions under the Policy for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. +20%) for permitted industrial use (Application No. A/KC/485) and permitted IT&TI (data centre) (Application No. A/KC/491) submitted by the same applicant on 4.3.2022

and 26.2.2022 respectively, on the grounds that the applications are 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 proposals have incorporated planning and design merits regarding building setback, canopy and landscaping/greening proposals; and there was no in-principle objection from relevant B/Ds. Subsequently, the applicant has obtained building plan approvals for both permitted industrial use and data centre development in accordance with the approved schemes on 10.1.2023 and 10.10.2023 respectively. According to the applicant, the current cold storage warehouse proposal is submitted having reviewed the market demand and the business decision of the prospective tenant, and it will be completed in 2026. The current application possesses similar major planning and design merits with minor adjustments resulting from the change in layout for the proposed use, in comparison to the previously approved schemes.

Policy Aspect

- 11.3 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. The Site is the subject of two previous applications for permitted industrial use (No. A/KC/485) and IT&TI (data centre) use (No. A/KC/491) both submitted by the same applicant, which were approved with conditions by the Committee on 4.3.2022 and 26.8.2022 respectively. DEVB would consider giving policy support to applications for minor relaxation of PR restriction under the Policy, provided that these applications could demonstrate to DEVB's satisfaction that they got a clear redevelopment intention and implementation timetable to put the existing IB stock into optimal use in a timely manner.
- 11.4 DEVB understands that an applicant is not debarred from making multiple applications or holding multiple permissions in respect of the same site. However, as long as an application seeking a minor relaxation of PR restriction for IB redevelopment is riding on DEVB revitalisation policy, the implementation prospect should also be taken into account. Repetitive applications will unmistakably cast doubt on whether the applicant concerned has a genuine intention of translating any of the development schemes approved/to be approved into action to bring in the new development, as well as the planning and design merits, as claimed. From the policy angle, the applications involving the same site for different uses may encourage speculative activities and would give wrong signals to the market that the current revitalisation scheme is to facilitate lot owners to gather as many development options available as possible to maximise their financial gain during resale. Indecisive development intent and/or uncertain implementation programme, if approved, would compromise the policy objective to allow the relaxation of PR by up to 20% to incentivise redevelopment of IBs riding on the existing application mechanism for planning permission. Notwithstanding the above, DEVB would not object to the approval of this application if the Board is satisfied that the purported merits are exceptional enough from the technical and planning and design aspects to justify a minor relaxation of PR restriction as specified in the relevant OZP by 20%.

- 11.5 By way of background, the applicant tendered two previous applications for the Site which were subsequently approved by the Committee. DEVB gave support to Application No. A/KC/485 for permitted industrial use; and indicated no objection to the Committee in approving Application No. A/KC/491 for permitted IT&TI (data centre development).

Technical Aspects

- 11.6 In support of the application, the applicant has submitted TIA and NIA to demonstrate that the proposed development would not cause adverse traffic and noise impact to the surrounding areas. C for T has no in-principle objection to the application subject to the incorporation of approval condition set out in paragraph 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 (e) below. Other relevant Government departments, including CE/MS of DSD, CE/C of WSD and D of FS, have no objection to/adverse comments on the application.

Planning and Design Merits

- 11.7 The proposed development has incorporated a full-height setback with an area of about 64m² and widths ranging from about 1.5m to 4.2m from the curb of Wah Sing Street in accordance with the planned setback as required under the Kwai Chung ODP No. D/KC/D; a voluntary full-height building setback from G/F with an area of about 414m² to extend the aforesaid setback specified on the ODP fronting Wah Sing Street; and setbacks with widths ranging from about 0.5m to about 4m surrounding the Site in the north, west and south (**Drawing A-9** and **Plan A-2**). A canopy of 1.5m wide is proposed at 1/F along part of Wah Sing Street, encroaching upon not more than 10% of width of the NBA to the northeast of the Site for weather protection (**Drawings A-4** and **A-8**). Landscape proposals, including edge planters, vertical greenery, roof greenery are proposed, resulting in a total of greenery of about 24% (about 427m²) (**Drawings A-12** and **A-13**). CTP/UD&L of PlanD considers that the proposed development will unlikely induce any significant adverse effects on the visual character of the surrounding townscape and the proposed design measures may contribute to the improvement of streetscape by softening the building edges and promoting visual interest and pedestrian comfort.
- 11.8 On the sustainable building design aspect, the applicant has indicated that the proposed development has taken into account the relevant SBDG requirements. The applicant has also demonstrated effort in building design improvement by introducing greenery provisions as mentioned in paragraph 11.7 above.

Public Comment

- 11.9 Regarding the public comment received, the above planning assessments and departmental comments in paragraph 9 are relevant. Relevant regulations and guidelines, such as HKPSG and SBDG, regarding noise and air pollution, visual, sunlight, air ventilation and fire safety perspectives, as well as good site practices

during the demolition and construction stages in relation to the structural perspective shall be complied with to address the concerns.

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 24.5.2028, 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 and loading and unloading spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission of a revised Noise Impact Assessment and the implementation of the noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) 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.

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 plot ratio 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

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|------------------------------|---|
| Appendix I | Application Form received on 12.10.2023 |
| Appendix Ia | SPS received on 12.10.2023 |
| Appendix Ib | Clarification Letters received on 12.10.2023 and 18.10.2023 |
| Appendix Ic | 1 st FI received on 13.12.2023 and 19.12.2023 |
| Appendix Id | 2 nd FI received on 7.2.2024 |
| Appendix Ie | 3 rd FI received on 5.4.2024 |
| Appendix If | 4 th FI received on 10.5.2024 |
| Appendix Ig | 5 th FI received on 16.5.2024 |
| Appendix II | Previous and Similar Applications |
| Appendix III | Detailed Departmental Comments |
| Appendix IV | Public Comments |
| Appendix V | Recommended Advisory Clauses |
| Drawings A-1 to A-7 | Floor Plans |
| Drawing A-8 | Schematic Section |
| Drawing A-9 | Setback Area Plan |
| Drawings A-10 to A-11 | Proposed Traffic Measures |
| Drawing A-12 | Illustrative Diagram of Planning and Design Merits |
| Drawing A-13 | Site Coverage of Greenery |
| 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 |