

**APPLICATION FOR TEMPORARY USE**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/TW/525**

<b><u>Applicant</u></b>	MapletreeLog PF (HKSAR) Ltd. represented by Knight Frank Petty Limited
<b><u>Premises</u></b>	1/F (portion) and 3/F , Asia Tone i-Centre, 1 Wang Wo Tsai Street, Tsuen Wan
<b><u>Total Floor Area of Premises</u></b>	About 4,439m <sup>2</sup>
<b><u>Lease</u></b>	<p>Tsuen Wan Town Lot (TWTL) 363 (New Grant No. 6927)</p> <p>(a) to expire on 30.6.2047</p> <p>(b) restricted to industrial or godown purposes or both only excluding offensive trades</p>
<b><u>Plan</u></b>	Draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/34
<b><u>Zoning</u></b>	<p>“Comprehensive Development Area (3)” (“CDA(3)”)</p> <p>(a) maximum plot ratio (PR) restriction of 5.0</p> <p>(b) maximum building height (BH) of 100 metres above Principal Datum (mPD)</p>
<b><u>Application</u></b>	Renewal of Planning Approval for Temporary Information Technology and Telecommunications Industries (Data Centre) for a Period of 3 years

**1. The Proposal**

- 1.1. The applicant seeks renewal of the planning approval to continue to use the application premises (the Premises) on the 1/F (portion) and 3/F, Asia Tone i-Centre, 1 Wang Wo Tsai Street, Tsuen Wan (the subject building) for temporary information technology and telecommunication industries (ITTI) (data centre) for a period of 3 years (**Plans A-1 to A-3**). According to the Notes of the OZP, a data centre which is considered to be an ‘Information Technology and Telecommunications Industries’ use in the “CDA(3)” zone requires planning permission from the Town Planning Board (the Board).
- 1.2. The Premises has a total floor area of about 4,439m<sup>2</sup>. The existing data centre accommodates various high-tech and computer services with installation of 24-hour

network servers, ancillary computer equipment and emergency power supplies. The layout plans of the Premises are shown on **Drawings A-1** and **A-2**.

1.3. The Premises is the subject of four approved planning applications (Nos. A/TW/424, A/TW/456, A/TW/472 and A/TW/498) submitted by the same applicant for the same temporary ITTI (data centre) use. The latest application (No. A/TW/498) was the renewal of application No. A/TW/472 and was approved with conditions by the Metro Planning Committee (the Committee) on 15.6.2018 for a period of 3 years from 18.7.2018 to 17.7.2021. There is no change in the current development scheme as compared with that of the last permission.

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

- (a) Application form received on 21.5.2021 **(Appendix I)**
- (b) Supplementary Planning Statement (SPS) **(Appendix Ia)**
- (c) Further Information (FI) received on 23.6.2021 enclosing supplementary documents\* **(Appendix Ib)**

*\* accepted and exempted from publication and recounting requirement*

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendix Ia** and are summarised as follows:

- (a) The development parameters of the subject building for continuance of the existing data centre use at the Premises will remain unchanged (**Drawings A-3a** to **A-3d**). There is no material change in planning circumstances since the previous temporary approval granted in 2018 such as land use zoning, planning policy and the land uses in the vicinity.
- (b) All approval conditions of the previous planning application have been complied with.
- (c) The subject building is the subject of approved planning application (No. A/TW/452) for comprehensive residential development within the same “CDA(3)” but the case is still at planning stage and would take time to materialise. The temporary nature of the proposed development would not jeopardize the long term planning intention of the “CDA(3)” zone for residential use.
- (d) The proposed development is compatible with other data centres within the subject building and the surrounding industrial/godown developments.
- (e) Data Centre Facilitation Unit was set up by the Government to support the development of data centre, especially in industrial buildings (IBs) in order to facilitate the growing digital economy. The Premises is located in an IB and the existing data centre is in line with Government Policy and could optimizes the use of the IB.
- (f) With the increasing reliance on information and computer technology and the growth in cloud computing, demand for data centres services remains strong. The continuance of the existing data centre use at the Premises would persist in supporting information and communication technology industry in Hong Kong.

- (g) The proposed development has been operating since 2011. According to TPB PG-NO. 34C for renewal of planning approval, a streamlined approach (i.e. no need to undertake new technical assessments to support the s.16 application) could be adopted.
- (h) Previous and similar planning permissions have been granted for ITTI use at the Premises, within the subject building and IBs within the surrounding “CDA” zones. Approval of the application is in line with the Board’s previous decisions.
- (i) Since there is no change in the development parameters as compared with the previous approval scheme No. A/TW/498, no adverse impact in respect to traffic, air, water and waste will be created.

### **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. Town Planning Board Guidelines**

- 4.1. Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C) is relevant. The relevant assessment criteria are extracted as follows:
  - (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
  - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
  - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
  - (d) whether the approval period sought is reasonable; and
  - (e) any other relevant considerations.
- 4.2. Paragraph 4.2 of the TPB-PG No. 34C also specifies that under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

## 5. Previous Application

The Premises is the subject of four previous applications (Nos. A/TW/424, A/TW/456, A/TW/472 and A/TW/498) submitted by the same applicant for the same ITTI (data centre) use<sup>1</sup> which were approved on a temporary basis for 3 years with conditions by the Committee on 17.6.2011, 9.5.2014, 17.7.2015 and 15.6.2018 respectively (**Plan A-1**). The approval conditions of application Nos. A/TW/472 and A/TW/498 had been complied with and the planning permission will remain valid until 17.7.2021. Details of these applications are summarised at **Appendix II**.

## 6. Similar Applications

There are four similar applications for ITTI use in the subject building (Nos. A/TW/454, A/TW/465, A/TW/493 and A/TW/520). Application No. A/TW/454 for ITTI (data centre) use on the 2/F was approved with conditions by the Committee on 21.3.2014 for a period of 3 years up to 21.3.2017 on the grounds that ITTI use was considered compatible with other uses within the subject building as well as the surrounding developments; and would generally induce less environmental and traffic impact as compared with other industrial uses. However, the applicant failed to comply with the approval condition on fire service installations by the date specified on the approval letter. The planning permission was then revoked on 21.9.2014. Application No. A/TW/465 for same ITTI (data centre) use at the same premises was approved with conditions by the Committee on 16.1.2015 for a period of 3 years up to 16.1.2018 on similar grounds. Application No. A/TW/493 is the renewal of Application No. A/TW/465 and was approved with conditions by the Committee on 12.1.2018 for a period of 3 years up to 16.1.2021. Subsequently, the latest application No. A/TW/520 is the renewal of Application No. A/TW/493 and was approved with conditions by the Committee on 8.1.2021 for a period of 3 years up to 16.1.2024. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

## 7. The Premises and Its Surrounding Areas (Plans A-1 to A-3, photos on Plans A-4 and A-5, and photos on Drawings A-3a to A-3d)

### 7.1. The Premises:

- (a) is located on the 1/F (portion) and 3/F of a 7-storey godown building, namely Asia Tone i-Centre;
- (b) is accessible via the main access of the subject building at Luen Yan Street; and
- (c) is currently used as ITTI (data centre) (**Drawings A-3a to A-3d**).

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<sup>1</sup> Application No. A/TW/424 was for a proposed temporary ITTI use with a total floor area of 4,353m<sup>2</sup>. Application No. A/TW/456 was the renewal of Application No. A/TW/424. Application No. A/TW/472 was for the same ITTI use and an ancillary office (86m<sup>2</sup>) with a total floor area of 4,439m<sup>2</sup>. A/TW/498 was the renewal of application No. A/TW/472 but no parameter of ancillary office was given while total floor area of 4,439m<sup>2</sup> under the application remain unchanged.

7.2. According to the available information<sup>#</sup>, the major uses of the subject building by floor are summarised below:

Level	Current Uses
G/F	Carpark, Loading / Unloading area, Security office
1/F	Data centre ( <b>the Premises</b> )
2/F	Data centre <sup>#</sup>
3/F	Data centre ( <b>the Premises</b> )
4/F-6/F	Data centre, Ancillary Office <sup>*</sup>

<sup>\*</sup> Use in existence and always permitted when the subject site was zoned “Industrial” (“I”). The subject site was rezoned from “I” to “CDA(3)” in 2010.

<sup>#</sup> An application for renewal of temporary approval for a ITTI (data centre) use on 2/F was lately approved with conditions by the Committee on 8.1.2021 (Application No. A/TW/520).

7.3. The surrounding areas have the following characteristics:

- (a) situated at the western fringe of the TWEIA which is an established industrial area with buildings mostly designed for industrial uses;
- (b) to the immediate east within the same “CDA(3)” zone are three IBs, namely Edward Wong Industrial Centre, Wong’s Factory Building and Bonsun Industrial Building;
- (c) to the south across Wang Wo Tsai Street is a cluster of IBs under “CDA(5)” zone.
- (d) to the southwest across Kwu Hang Road is a piece of vacant Government land;
- (e) to the west across Luen Yan Street is a residential development namely Po Shek Mansion and the major commercial/residential area of the Tsuen Wan town centre; and
- (f) to the immediate north is a commercial building namely Fortune Commercial Building under the “Commercial (5)” zone.

## 8. **Planning Intention**

The “CDA(3)” zone<sup>2</sup> is intended for comprehensive development/redevelopment of the area primarily for residential use with the provision of commercial facilities, open space and other

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<sup>2</sup> The “CDA(3)” zone is the subject of two planning applications for comprehensive residential developments including: (1) Application No. A/TW/452 for a proposed comprehensive residential development at the “CDA(3)” zone was approved by the Committee on 16.1.2015; and (2) Application No. A/TW/519 for amendments to the approved scheme with changes in layout and increase of flat number without an increase of PR and BH was rejected by the Committee on 18.12.2020, mainly on grounds that the applicant failed to demonstrate that the proposed amendments to the approved master layout plan (MLP) would not adversely affect the design merits of the approved MLP. There was insufficient planning and design merits to support the proposed amendments to the approved MLP. Subsequently, the applicant applied for a review of the decision of the Committee on 12.1.2021. Further to FIs submitted by the applicant in March and May 2021 to substantiate the review, the review application is tentatively scheduled to be considered on 20.8.2021.

supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure, visual impact, air ventilation and other constraints.

## **9. Comments from Relevant Government Departments**

9.1. The following Government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

9.1.1. Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

- (a) the Premises falls within TWTL 363. TWTL 363 is governed by New Grant No. 6927 with a term expiring on 30.6.2047 restricted to industrial or godown purposes or both excluding offensive trades;
- (b) two temporary waivers, including (i) dated 22.3.2013 having a total area of 4,284m<sup>2</sup> (i.e. 1,762m<sup>2</sup> for 1/F (Portion) and 2,522m<sup>2</sup> for 3/F) with a term of 3 years commencing on 16.3.2012 and thereafter annually; and (ii) another one dated 9.5.2017 having an area of 65.911m<sup>2</sup> at 1/F (Portion) with a term of 3 years commencing on 17.7.2015 and thereafter quarterly, have been granted covering most of the Premises to permit the use of ITTIs; and
- (c) it is noted that the application site is not matched with the above two temporary waiver areas and the proposed floor area under the captioned application of 4,439m<sup>2</sup> is large than the sum of the permitted areas of the two existing temporary waivers (4,349.911m<sup>2</sup>). The extra floor area not covered by the two temporary waivers for ITTI uses would be in breach of the user restriction under lease. If planning approval is given by the Board, the owner of the Premises will need to apply to LandsD for a fresh waiver or an amendment to the existing temporary waiver. There is no guarantee that the application, if received by LandsD, will be approved and this office reserves our comment on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of waiver fee and administrative fee.

### **Environment**

9.1.2. Comments of the Director of Environmental Protection (DEP):

- (a) it is noted that there would have a comprehensive residential development to be implemented by phases within the “CDA(3)” zone where the subject

IB falls. If the proposed ITTI (data centre) still exists at the time of occupation of the comprehensive residential development, there could be potential I/R interface issue. Nevertheless, noting that the application is to seek permission to continue the data centre use for another temporary period of 3 years, he maintains no objection to the application during this interim period; and

- (b) regarding the public concern on noise generated by roof-top machines at the subject building, he has checked recent noise complaint records for the past 3 years. While there were noise complaints lodged against the subject data centre in recent past 3 year record, the cases were found unsubstantiated.

### **Building Matters**

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

- (a) no objection to the application;
- (b) the applicant should be reminded that under the Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulation;
- (c) adequate fire separation should be provided between the subject premises and the remaining portion of the building;
- (d) any proposed building works should comply with the prevailing requirements under the BO and allied regulations and Code of Practices. Particular attention is drawn to adequate provisions of means of escape such as (i) no excessive travel distance for the remaining portion on 1/F not under the subject application; and (ii) the requirement for people using one required staircase should be able to gain access to at least one other required staircase at any time, without having to pass through other person's private premises, to comply with the Code of Practice for Fire Safety in Buildings 2011; and
- (e) detailed checking will be made at plan submission stage.

### **Fire Safety**

#### 9.1.4. Comments of the Director of Fire Services (D of FS):

- (a) no objection to the application; and
- (b) the submitted documents (i.e. Fire Service Installations Proposal and valid FS 251 Certificate) and the application is considered acceptable from the

fire safety point of view.

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

- (a) Commissioner for Transport (C for T);
- (b) Commissioner of Police (C of P);
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD); and
- (f) District Officer (Tsuen Wan), Home Affairs Department (DO(TW), HAD).

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

During the statutory public inspection period, one public comment submitted by a Tsuen Wan District Council Member was received (**Appendix IV**). The public comment expresses concern on adverse noise impact generated from roof-top machines at the subject building on nearby residents.

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

11.1. The application seeks renewal of the planning approval for temporary ITTI (data centre) for a period of 3 years. Compared with the latest approved application (No. A/TW/498), the current application has no major change in the development scheme. The existing temporary ITTI (data centre) use was first approved on 17.6.2011 and has been in operation since 2011. The latest approval under application No. A/TW/498 is valid until 17.7.2021.

11.2. The Premises falls within an area zoned “CDA(3)” which is intended for comprehensive development/redevelopment of the area primarily for residential use with the provision of commercial facilities, open space and other supporting facilities. The subject building forms part of an approved scheme<sup>3</sup> for a proposed comprehensive residential development. However, the approved scheme at the “CDA(3)” zone will take time to materialise. There is no objection to utilize the existing industrial premises for other compatible uses in the interim. The proposed ITTI (data centre) for a temporary period of 3 years will not jeopardize the long term planning intention of the “CDA(3)” zone.

11.3. The existing temporary ITTI (data centre) is located in a purposely-built godown building. The 2/F of the subject building is now used for ITTI (data centre) use with valid planning approval whilst the 4/F to 6/F of the subject building have been converted for ITTI purpose which was always permitted at the time when the subject building fell within an area zoned “I” before rezoning to “CDA(3)” in 2010. In terms of land use, the existing temporary ITTI (data centre) use is considered compatible with other uses within the subject building as well as the surrounding developments. The current application

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<sup>3</sup> Please see Remarks 2 on page 5.



basically seeks renewal of the previously approved use at the Premises. There is no material change in planning circumstances since the previous temporary approval was granted. Approval of the current application is in line with the Committee's previous decisions.

- 11.4. On the technical aspects, all Government departments consulted, including C for T, C of P, DEP, CE/MS, DSD, CE/C, WSD, CHE/NTW, HyD, CBS/NTW, BD and D of FS have no objection to/no comment on the application from traffic, environmental, infrastructural provision and fire services perspectives.
- 11.5. The application also complies with the relevant assessment criteria on the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use for Development (TPB PG-No. 34C) in that there has been no material change in planning circumstances since the previous approval granted and no adverse planning implication arising from the renewal. Approval conditions for the previous application No. A/TW/498 were complied with. The proposed renewal of further 3 years is also considered reasonable as it can facilitate continuity in the operation of existing ITTI (data centre) use while not affecting the implementation of the "CDA(3)" zone.
- 11.6. Regarding the concern raised in the public comment, the planning assessments above and departmental comments in paragraph 9 above are relevant.

## **12. Planning Department's Views**

- 12.1. Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2. Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years, and be renewed from 18.7.2021 until 17.7.2024.

### Advisory clauses

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

- 12.3. There is no strong reason to recommend rejection of the application.

## **13. Decision Sought**

- 13.1. The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning permission.
- 13.2. Should the Committee decide to approve the application, Members are invited to consider the approval condition(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

13.3. Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application form received on 21.5.2021
<b>Appendix Ia</b>	SPS
<b>Appendix Ib</b>	FI received on 23.6.2021
<b>Appendix II</b>	Previous and similar applications covering the application premises
<b>Appendix III</b>	Recommended advisory clauses
<b>Appendix IV</b>	Public comment received during the statutory publication period
<b>Drawing A-1</b>	1/F Layout Plan
<b>Drawing A-2</b>	3/F Layout Plan
<b>Drawings A-3a to A-3d</b>	Photos of the Premises
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	1/F Site Plan
<b>Plan A-3</b>	3/F Site Plan
<b>Plans A-4 to A-5</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2021**